

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 415

Introduced by Harms, 48

Read first time January 16, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-463
2 and 60-4,118.05, Reissue Revised Statutes of Nebraska,
3 and sections 60-462, 60-4,120.01, 60-4,123, and 60-4,124,
4 Revised Statutes Cumulative Supplement, 2006; to change
5 provisions relating to operator's licenses, provisional
6 operator's permits, school permits, and learner's
7 permits; to harmonize provisions; to provide an operative
8 date; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-462, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-462 Sections 60-462 to 60-4,188 and section 3 of this
4 act shall be known and may be cited as the Motor Vehicle Operator's
5 License Act.

6 Sec. 2. Section 60-463, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 60-463 For purposes of the Motor Vehicle Operator's
9 License Act, the definitions found in sections 60-463.01 to 60-478
10 and section 3 of this act shall be used.

11 Sec. 3. Interactive wireless communication device means
12 any wireless electronic communication device that provides for
13 voice or data communication between two or more parties, including,
14 but not limited to, a mobile or cellular telephone, a text
15 messaging device, a personal digital assistant that sends or
16 receives messages, an audio-video player that sends or receives
17 messages, or a laptop computer.

18 Sec. 4. Section 60-4,118.05, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-4,118.05 (1) No operator's license referred to in
21 section 60-4,118 shall, under any circumstances, be issued to any
22 person who has not attained the age of seventeen years.

23 (2) No operator's license shall be issued to a person
24 under eighteen years of age applying for an operator's license
25 under section 60-4,118 unless such person:

1 (a) Has possessed a valid provisional operator's permit
2 for at least a twelve-month period beginning on the date of
3 issuance of such person's provisional operator's permit;

4 (b) Has not ~~accumulated three or more points pursuant~~
5 ~~to section 60-4,182~~ had any convictions for motor vehicle traffic
6 violations involving a moving motor vehicle during the twelve-month
7 period immediately preceding the date of the application for the
8 operator's license; and

9 (c) Has surrendered the provisional operator's permit to
10 the examiner.

11 (3) The Department of Motor Vehicles shall waive the
12 written examination and the driving test required under section
13 60-4,118 for any person seventeen to twenty-one years of age
14 applying for his or her initial operator's license if he or she has
15 been issued a provisional operator's permit. The department shall
16 not waive the written examination and the driving test required
17 under this section if the person is applying for a commercial
18 driver's license or permit or if the operator's license being
19 applied for contains a class or endorsement which is different from
20 the class or endorsement of the provisional operator's permit.

21 Sec. 5. Section 60-4,120.01, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 60-4,120.01 ~~(1)~~ (1)(a) Any person who is at least sixteen
24 years of age but less than eighteen years of age may be issued a
25 provisional operator's permit by the Department of Motor Vehicles.

1 The provisional operator's permit shall expire on the applicant's
2 eighteenth birthday.

3 (b) No provisional operator's permit shall be issued to
4 any person unless such person:

5 (i) Has possessed a valid Nebraska LPD-learner's permit
6 for at least a six-month period beginning on the date of issuance
7 of such person's LPD-learner's permit; and

8 (ii) Has not had any convictions for motor vehicle
9 traffic violations involving a moving motor vehicle during the
10 six-month period immediately preceding the date of the application
11 for the provisional operator's permit.

12 (c) The requirements for the provisional operator's
13 permit prescribed in subdivisions (2)(a) and (b) of this section
14 may be completed prior to the applicant's sixteenth birthday. A
15 person may apply for a provisional operator's permit and take the
16 driving test and the written examination, if required, at any time
17 within sixty days prior to his or her sixteenth birthday upon proof
18 of age in the manner provided in section 60-484.

19 (2) In order to obtain a provisional operator's permit,
20 the applicant shall present to the examiner (a)(i) proof of
21 successful completion of a department-approved driver safety course
22 which includes behind-the-wheel driving specifically emphasizing
23 (A) the effects of the consumption of alcohol on a person
24 operating a motor vehicle, (B) occupant protection systems, (C)
25 risk assessment, and (D) railroad crossing safety and (ii) proof

1 of successful completion of a written examination and driving
2 test administered by a driver safety course instructor or (b)
3 a certificate in a form prescribed by the department, signed
4 by a parent, guardian, or licensed driver at least twenty-one
5 years of age, verifying that the applicant has completed ~~fifty~~
6 sixty hours of lawful motor vehicle operation including at least
7 ten hours motor vehicle operation between sunset and sunrise,
8 under conditions that reflect department-approved driver safety
9 course curriculum, with a parent, guardian, or adult at least
10 twenty-one years of age, who has a current Nebraska operator's
11 license or who is licensed in another state. If the applicant
12 presents such a certificate, the applicant shall be required to
13 successfully complete a driving test administered by an examiner
14 of the department. The written examination shall be waived if the
15 applicant surrenders a Nebraska LPD-learner's permit or has been
16 issued a Nebraska LPE-learner's permit after January 1, 2006, and
17 such permit is valid or has expired no more than one year prior
18 to surrender. However, the department shall not waive the written
19 examination if the provisional operator's permit being applied for
20 contains a class or endorsement which is different from the class
21 or endorsement of the LPD-learner's or LPE-learner's permit. Upon
22 presentation to the examiner by the applicant of a form prescribed
23 by the department showing successful completion of the driver
24 safety course, the examiner shall waive the written examination and
25 driving test. Upon presentation to the examiner of the certificate,

1 the examiner shall waive the written examination but not the
2 driving test. The examiner shall waive the written examination and
3 the driving test if the applicant has been issued a school permit
4 and such permit is valid or has expired no more than one year prior
5 to application. The written examination shall not be waived if the
6 provisional operator's permit being applied for contains a class or
7 endorsement which is different from the class or endorsement of the
8 school permit.

9 ~~(3)~~ (3) (a) The holder of a provisional operator's permit
10 shall only operate a motor vehicle on the highways of this state
11 during the period beginning at ~~6~~ 5 a.m. and ending at ~~12 midnight~~
12 10 p.m. except when he or she is en route to or from his or her
13 residence to his or her place of employment or a school activity.
14 The holder of a provisional operator's permit may operate a motor
15 vehicle on the highways of this state at any hour of the day
16 or night if accompanied by a parent, guardian, or adult at least
17 twenty-one years of age, who has a current Nebraska operator's
18 license or who is licensed in another state.

19 (b) The holder of a provisional operator's permit shall
20 only operate a motor vehicle on the highways of this state during
21 the first six months of holding the permit with no more than one
22 passenger who is not an immediate family member and who is under
23 twenty-one years of age.

24 (c) The holder of a provisional operator's permit shall
25 not use any type of interactive wireless communication device while

1 operating a motor vehicle on the highways of this state.

2 (4) The county treasurer shall collect the fee prescribed
3 in section 60-4,115 for the issuance of each provisional operator's
4 permit.

5 Sec. 6. Section 60-4,123, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 60-4,123 (1) Any person who is at least fifteen years
8 of age may apply for an LPD-learner's permit from the Department
9 of Motor Vehicles. In order to obtain an LPD-learner's permit,
10 the applicant shall successfully complete a written examination. A
11 person may take the written examination beginning sixty days prior
12 to his or her fifteenth birthday but shall not be issued a permit
13 until he or she is fifteen years of age. The written examination
14 shall be waived for any person who has been issued an LPE-learner's
15 permit after January 1, 2006.

16 (2) Upon successful completion of the written examination
17 and the payment of a fee, the applicant shall be issued an
18 LPD-learner's permit from the county treasurer. The permit shall be
19 valid for twelve months.

20 ~~(3)~~ (3) (a) The holder of an LPD-learner's permit shall
21 only operate a motor vehicle on the highways of this state if he
22 or she is accompanied at all times by a licensed operator who is
23 at least twenty-one years of age and who has been licensed by this
24 state or another state and if he or she is actually occupying the
25 seat beside the licensed operator or, in the case of a motorcycle

1 or moped, if he or she is within visual contact of and under the
2 supervision of, in the case of a motorcycle, a licensed motorcycle
3 operator or, in the case of a moped, a licensed motor vehicle
4 operator.

5 (b) The holder of an LPD-learner's permit shall not
6 use any type of interactive wireless communication device while
7 operating a motor vehicle on the highways of this state.

8 (4) The county treasurer shall collect the fee prescribed
9 in section 60-4,115 for the issuance of each LPD-learner's permit.

10 Sec. 7. Section 60-4,124, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 60-4,124 (1) A person who is younger than sixteen years
13 of age but is older than fourteen years and two months of age
14 may be issued, by the county treasurer, a school permit if
15 such person lives a distance of one and one-half miles or more
16 from the school he or she attends and either resides outside
17 a city of the metropolitan, primary, or first class or attends
18 a school which is outside a city of the metropolitan, primary,
19 or first class and if such person has held an LPE-learner's
20 permit for two months. A school permit shall not be issued
21 until such person has appeared before an examiner to demonstrate
22 that he or she is capable of successfully operating a motor
23 vehicle, moped, or motorcycle and has in his or her possession an
24 examiner's certificate authorizing the county treasurer to issue a
25 school permit. In order to obtain an examiner's certificate, the

1 applicant shall present to the examiner (a) proof of successful
2 completion of a department-approved driver safety course which
3 includes behind-the-wheel driving specifically emphasizing (i) the
4 effects of the consumption of alcohol on a person operating a motor
5 vehicle, (ii) occupant protection systems, (iii) risk assessment,
6 and (iv) railroad crossing safety and (b) (i) proof of successful
7 completion of a written examination and driving test administered
8 by a driver safety course instructor or (ii) a certificate in a
9 form prescribed by the department, signed by a parent, guardian, or
10 licensed driver at least twenty-one years of age, verifying that
11 the applicant has completed fifty hours of lawful motor vehicle
12 operation, under conditions that reflect department-approved driver
13 safety course curriculum, with a parent, guardian, or adult at
14 least twenty-one years of age, who has a then current Nebraska
15 operator's license or who is licensed in another state. The
16 Department of Motor Vehicles shall waive the written examination
17 if the applicant surrenders an LPE-learner's permit issued after
18 January 1, 2006, and if such permit is valid or has expired no more
19 than one year prior to application. The written examination shall
20 not be waived if the permit being applied for contains a class or
21 endorsement which is different from the class or endorsement of the
22 LPE-learner's permit.

23 (2) A person holding a school permit may operate a motor
24 vehicle, moped, or motorcycle:

25 (a) To and from where he or she attends school and

1 between schools of enrollment over the most direct and accessible
2 route by the nearest highway from his or her place of residence
3 to transport such person or any family member who resides with
4 such person to attend duly scheduled courses of instruction and
5 extracurricular or school-related activities at the school he or
6 she attends; or

7 (b) Under the personal supervision of a licensed
8 operator. Such licensed operator shall be at least twenty-one years
9 of age and licensed by this state or another state and shall
10 actually occupy the seat beside the permitholder or, in the case of
11 a motorcycle or moped, if the permitholder is within visual contact
12 of and under the supervision of, in the case of a motorcycle, a
13 licensed motorcycle operator or, in the case of a moped, a licensed
14 motor vehicle operator.

15 (3) The holder of a school permit shall not use any
16 type of interactive wireless communication device while operating a
17 motor vehicle on the highways of this state.

18 ~~(3)~~ (4) A person who is younger than sixteen years of age
19 but is over fourteen years of age may be issued an LPE-learner's
20 permit from the county treasurer, which permit shall be valid for a
21 period of three months. An LPE-learner's permit shall not be issued
22 until such person successfully completes a written examination
23 prescribed by the department and demonstrates that he or she has
24 sufficient powers of eyesight to safely operate a motor vehicle,
25 moped, or motorcycle.

1 ~~(4)~~ (5) (a) While holding the LPE-learner's permit, the
2 person may operate a motor vehicle on the highways of this state
3 if he or she has seated next to him or her a person who is a
4 licensed operator or, in the case of a motorcycle or moped, if he
5 or she is within visual contact of and is under the supervision of
6 a person who, in the case of a motorcycle, is a licensed motorcycle
7 operator or, in the case of a moped, is a licensed motor vehicle
8 operator. Such licensed motor vehicle or motorcycle operator shall
9 be at least twenty-one years of age and licensed by this state or
10 another state.

11 (b) The holder of an LPE-learner's permit shall not
12 use any type of interactive wireless communication device while
13 operating a motor vehicle on the highways of this state.

14 ~~(5)~~ (6) The county treasurer shall collect the fee
15 prescribed in section 60-4,115 from each successful applicant for a
16 school or LPE-learner's permit. All school permits shall be subject
17 to impoundment or revocation under the terms of section 60-496. Any
18 person who violates the terms of a school permit shall be guilty
19 of an infraction and shall not be eligible for another operator's
20 license or school, farm, LPD-learner's, or LPE-learner's permit
21 until he or she has attained the age of sixteen years.

22 Sec. 8. This act becomes operative on January 1, 2008.

23 Sec. 9. Original sections 60-463, and 60-4,118.05,
24 Reissue Revised Statutes of Nebraska, and sections 60-462,
25 60-4,120.01, 60-4,123, and 60-4,124, Revised Statutes Cumulative

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1 Supplement, 2006, are repealed.